

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Smt.D.Rudramma W/o K.Kameswara Rao, working as Thoti (Sweeper), ESI Hospital, Kurnool, R/o Govt. Quarters, Kurnool, filed under Section 7 of Act 16 of 1993, against the Proceedings, dated 5.2.2007 of the District Collector, Kurnool -Appeal Rejected- Orders –Issued.

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SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.172

Dated: 01-09-2008.

Read the following:-

- 1.Proceedings of the Collector, Kurnool District R.Dis(C6)/559/M/2006, dated :5-2-2007.
- 2.Appeal Petition filed by Smt.D.Rudramma W/o K.Kameswara Rao,working as Sweeper, ESI Hospital, Kurnool, R/o Govt. Quarters, Kurnool, filed through her counsel, dated:22-3-2007, received through M(TW).
3. Memo No.2164/CV.2/2007-1, Dated: 10-4-2007.
- 4.From Collector, Kurnool District, Rc.C6.624/M/2007, Dated:11-6-2007.
5. Memo No.2164/CV.2/2007-3, Dated: 17-6-2008.

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**ORDER:**

Smt. D.Rudramma W/o K.Kameswara Rao, has filed appeal petition before Govt. against the Proceedings, dated 5.2.2007 issued by the District Collector, Kurnool, for cancellation of her ST “Chenchu / Koya ” Caste Certificate, and submitted the following grounds:

- (i) The caste certificate was issued as belonging to ST category primordially based on relevant material evidence in the year 1996 and 2006 by the concerned authorities. The appellant had her elementary education at Basic Municipal School level only as a pupil belonging to Chenchu /Koya and later her employment registration was also as belonging to ST category and she was also provided an employment as Thoti (sweeper) in the year 2001 and working since then without any blemish ness in her service.
- (ii) Opinion of the District Level Scrutiny Committee,that the appellant does not belong to ST community are totally devoid of any reasons or rationality or any analogy and without proper enquiry contemplated under the Act .
- (iii) The authority failed to appreciate that predominantly the factors that the husband of appellant belonging to BC.A category and his sister also married to Sri D.Savaranna belonging to SC category, based on this grounds the DLSC. surmised the appellant herein also belonged to such category and gave such findings.
- (iv) One D.Savaranna who was belonging to BC.A category was the brother in law of the applicant was to be inferred as she belongs to that category was totally a misplaced analogy as indubitably the said Savaranna happened to be the brother in law of the husband of the appellant not by virtue of any fact that the appellant was the sister of said Savaranna but by virtue of the fact that Savaranna was the husband of the sister of appellant’s husband.

(v) It is the statutory duty of the authorities to conduct an open enquiry with local area and with community people and meticulously prescribed as per the procedure under Act and rules.

(vi) The observation made by the authority that there were two employment registration cards in respect of the appellant, also does not carry any credence or significance or any worth impact on the issue of caste status of the appellant. Since the same are not spoken of to be conflicting, besides the fact the employment registration card issued to the appellant even as long back as the year 1979 also invariably speaks of her caste status as ST.

3) The Govt. vide Memo, 3<sup>rd</sup> read above, has requested the District Collector, Kurnool, to furnish parawise remarks and connected records on the appeal petition filed by the appellant. The District Collector, Kurnool, vide reference 4<sup>th</sup> read above has furnished the same.

4) The case was posted for personal hearing on 20-11-2007. The appellant and her counsel attended and requested for adjournment. The case was again posted for hearing before appellate authority on 27-3-2008. On 27.3.2008, the appellant was absent and her counsel was present and again requested for adjournment. Finally, the case was posted on 30-6-2008. Both appellant and counsel were present. The Counsel after argument of the case requested time for a week for filing of written arguments. The same was submitted on 7.7.2008.

5) On careful examination of the averments of the appellant, grounds for appeal and written arguments of the Counsel for the Appellant, along with the Proceedings of the District, Kurnool and findings of the DLSC. and other material on file, it is found that:-

1. The Appellant is claiming ST status based on two caste certificates, one issued by the MRO Yemmiganur, Kurnool Dist. dated:19-7-1996 wherein the caste of the Appellant is mentioned as Koya and the other issued by the MRO., Kallur, Kurnool Dist. dated:24-7-2001 wherein her caste is recorded as Chenchu Koya. From these two certificates, it is observed that her ST community claim is false because Chenchu and Koya are two different communities under STs without any social, cultural relationships and their areas of habitation are also different. The MRO Kallur in his letter dated: 6-7-2004 had reported that caste certificate was issued to Kum.D.Rudramma D/o D.Thimmappa H.No.2/161, Kallur as Chenchu caste (ST), not Chenchu Koya as per Temporary Caste Certificate Register Sl.No.201, dated:24-7-2001. It is clear that her caste was mentioned as Chenchu but the word KOYA clearly appears as added after the word Chenchu.
2. Further the additional evidence i.e Xerox copy of the Record Sheet issued by the Head Master, Special Municipal Basic School, Johrapuram, Kurnool Town shows her caste recorded as Chenchu Koya. Therefore, the appellant herself does not know to which ST community she belongs to. Generally caste entry in Record sheet will be mentioned based on the recorded caste entry in the Admission Register based on the self declaration by the parents or guardian of the student or the student at the time of admission. Therefore, the parents/guardian/appellant might have declared the caste of the appellant as Chenchu Koya and hence it is proved beyond doubt that they have no knowledge about the ST community which they have declared as the appellant belongs to and it clearly shows the fraud played by them.

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3. The clan / surname of the Appellant Dhupam and other clans /surnames mentioned by the Appellant before DLSC. are not at all found among the Chenchu or Koya communities.
4. Though ample opportunity was given to the Appellant to prove her ST status claim by the DLSC and then by the Dist. Collector, Kurnool, she failed to prove her claim with documentary/other evidences. The Appellant has never produced any evidence to show that she is the permanent /ordinary resident of Yemmiganur, Kurnool Dist. Therefore, her caste certificate dated:19-7-1996 issued by the MRO., Yemmiganur, is invalid as the said MRO. has got jurisdiction only to those who are residing in his jurisdiction ie. Yemmiganur Mandal. Even if it is considered without conceding that she was permanent / ordinary resident of Yemmiganur, then her another caste certificate dated:24-7-2001 issued by the MRO Kallur, Kurnool Dist., is invalid as without jurisdiction. On any count, the caste certificates of the Appellant are invalid, though issued by competent authorities as they were issued without jurisdiction and without proper enquiry in a most possible routine manner.
5. In view of the above facts, other averments/contentions/arguments of the appellant or her advocate are neither sustainable nor merits the least possible consideration.
- 6) Therefore, in view of the above facts, and in exercise of the powers conferred under Section 7(2) of Act 16 of 1993, under Rules made there under as per G.O.Ms.No.58, SW (J)Department, dated 12.5.1997, the appeal petition filed by Smt. D.Rudramma W/o K.Kameswara Rao, is hereby rejected, upholding the Proceedings of the District Collector, Kurnool, R.Dis(C6)/559/M/2006, dated: 5-2-2007.
- 7) The records received from the District Collector, Kurnool, through the reference 4<sup>th</sup> read above, are return herewith in original to him, and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.NAGI REDDY,  
PRINCIPAL SECRETARY TO GOVT.

To

The Collector, Kurnool District (WE).Original Record  
File bearing No.R.Dis.559/M/06 containing pages CF.256  
and NF.36.

Smt.D.Rudramma W/o K.Kameswara Rao,  
Sweeper (Thoti) ESI Hospital,  
H.No.Govt.quarters, Kurnool, Kurnool District.  
Mr.A.Rama subbaih, Advocate,  
3-1-55, Mythrinagar,  
L.B.Nagar, Hyderabad.  
The Director of Tribal Welfare Hyderabad

Copy to:

The PS to Minister, TW Riad./PS to Prl.Secretary TW.  
The District Medical & Health Officer, Kurnool District.  
SF/SC.

//Forwarded::By Order//

SECTION OFFICER.